

(I) THE DEFENDANT WAS CONVICTED BASED ON A GUILTY PLEA;

(II) THE DEFENDANT WAS CONVICTED AFTER A TRIAL BY A COURT SITTING WITHOUT A JURY;

(III) THE COURT, FOR GOOD CAUSE, DISCHARGED THE JURY THAT CONVICTED THE DEFENDANT; OR

(IV) A COURT OF COMPETENT JURISDICTION REMANDED THE CASE FOR RESENTENCING FOLLOWING A REVIEW OF THE ORIGINAL SENTENCE OF DEATH; OR

(3) BEFORE THE COURT, IF THE DEFENDANT WAIVES A JURY SENTENCING PROCEEDING.

(D) JURY COMPOSITION — ALTERNATE JURORS.

(1) A JUDGE SHALL APPOINT AT LEAST TWO ALTERNATE JURORS WHEN IMPANELING A JURY FOR ANY PROCEEDING:

(I) IN WHICH THE DEFENDANT IS BEING TRIED FOR A CRIME FOR WHICH THE DEATH PENALTY MAY BE IMPOSED; OR

(II) THAT IS HELD UNDER THIS SECTION.

(2) THE ALTERNATE JURORS SHALL BE RETAINED THROUGHOUT THE PROCEEDINGS UNDER ANY RESTRICTIONS THAT THE JUDGE IMPOSES.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF A JUROR DIES, IS DISQUALIFIED, BECOMES INCAPACITATED, OR IS DISCHARGED FOR ANY OTHER REASON BEFORE THE JURY BEGINS ITS DELIBERATIONS ON SENTENCING, AN ALTERNATE JUROR BECOMES A JUROR IN THE ORDER SELECTED, AND SERVES IN ALL RESPECTS AS A JUROR SELECTED ON THE REGULAR TRIAL PANEL.

(4) AN ALTERNATE JUROR MAY NOT REPLACE A JUROR WHO IS DISCHARGED DURING THE ACTUAL DELIBERATIONS OF THE JURY ON THE GUILT OR INNOCENCE OF THE DEFENDANT OR ON SENTENCING.

(E) EVIDENCE; OPPORTUNITY FOR ARGUMENTS.

(1) THE FOLLOWING TYPE OF EVIDENCE IS ADMISSIBLE IN A SENTENCING PROCEEDING:

(I) EVIDENCE RELATING TO A MITIGATING CIRCUMSTANCE THAT IS LISTED UNDER SUBSECTION (H) OF THIS SECTION;

(II) EVIDENCE RELATING TO AN AGGRAVATING CIRCUMSTANCE:

1. THAT IS LISTED UNDER SUBSECTION (G) OF THIS SECTION; AND

2. OF WHICH THE STATE PROVIDED NOTICE UNDER § 2-202(A)(1)(II) OF THIS SUBTITLE;